IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5139 OF 2004

Shriman Organic Chemical
Industries Ltd. & Ors. ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. S.K. Chaursia i/b A.M. Sarogi, Advocate for Applicants.

Mr. S.S. Parab, Advocate for Respondent No.2.

Mr. D.P. Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 29TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicants have prayed for quashing of Complaint No.2521/S/1998 which is pending in the Court of learned Metropolitan Magistrate, 28th Court at Esplanade, Mumbai. In the said case, process has been issued against the applicants under Section 138 of Negotiable Instruments Act. If the process issued against the applicant is set aside, the proceedings in respect of the applicants would come to an end. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of three weeks from today and he prayed that the interim relief granted by order dated 2.12.2004 be continued till them. In view of the facts and circumstances of this case the prayer is reasonable, hence, interim relief is extended for a period of three weeks from today. The learned advocate for the respondent No.2 i.e. original complainant fairly states that no objection would be raised by the respondent No.2 in respect of limitation in filing revision before the Sessions Court.

5. On the necessary revision being preferred by the

applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue authenticated copy of this order to the parties.

7. Criminal application is disposed of.

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